



IN THE UNITED STATES PATENT OFFICE

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Serial No.	09/473,702	:	
Filing Date:	12/29/99	:	
Inventor:	Evan Howard Lott	:	
Invention:	Method and Apparatus to	:	Group Art 3626
	Identify Uninsured Motorists	:	
Examiner:	A. Kalinowski	:	

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SUPPLEMENTAL AFFIDAVIT IN SUPPORT OF COMMUNICATION PROVIDING  
REQUIRED INFORMATION UNDER 37 C.F.R. §1.105

COMMISSIONER OF PATENTS  
Washington, D.C. 20231

**RECEIVED**

SEP 23 2003

Sir:

**GROUP 3600**

Comes now, Richard Kasteler, after first being duly sworn, and deposes and says in responsive to the Office Action dated 7/2/2003 that:

1. He is the President of Insure-Rite, Inc., and is a resident of the State of Utah.
2. He is over the age of 21, and makes the following statements on personal knowledge and belief in response to the Examiner's inquiry pursuant to 37 C.F.R. §1.105.
3. He has made a thorough search of the company files and records concerning the identity of the produces and/or services embodying the disclosed subject matter of a method for identifying uninsured motorists referenced in the Insure-Rite, Inc. web site dated 11/11/1998.
4. This search of the company files sought any known publications, brochures, manuals, and press releases that describe the product or service referred to in the Insure-Rite web site and what specifically was marketed produced no items or product brochures describing the product or service marketed at the time.
5. Applicant states with candor and good faith under 37 CFR 1.56 that it has located the following articles and documents relating to the identity of the of the products and/or services referenced in the Insure-Rite, Inc. web site dated 11/11/1998, which are listed in the attached Information Disclosure Statement by Applicant which provides the earliest dates in which the documents were in use:
  - a. Exhibit A, Utah Motor Vehicle Financial Responsibility Act, Sections 41-12a-

801, et seq., U.C.A.

b. Exhibit B, Software Licensing Agreement with confidentiality provisions dated July 1, 1996. It should be noted that this License had an effective date as of “the date Insure-Rite ceases to operate, or upon which the State determines that Insure-Rite® is insolvent and the cessation of operations is imminent, so long as the State of Utah Contract No. \_\_\_\_\_, to which this License Agreement is attached is in effect and so long as the State gives written notice of such date to Insure-Rite®;” see paragraph 1.3 of Software License Agreement.

c. Exhibit C-1 December 5, 1997 Proposal in response to State of Colorado Request for Proposal Division of Purchasing Solicitation Number: FRP-BF-00798.

d. Exhibit C-2, dated April 29, 1998 Supplemental Proposal in response to State of Colorado Invitation for Bid, RFP-BF-0798

e. Exhibit D, Utah 6 year Test Results brochure outlining the dates of conceptualization in 1992, and the tests conducted through 2000 before final acceptance for commercialization, the cover of which states:

**“Utah 6 Year Test Results- Uninsured Motorist ID Database**

**\*conceptualized in 1992**

**\*Pilot Program to Test Matching – 1992-1993**

**\*First Test Period 1994 –1996**

**\*Second Test Period 1996 – 1998**

**\*Third Test Period 1998 – 2000**

**\*Final Acceptance – 10 year extension 2000”**

f. Exhibit E, Insure-Rite Insurance Verification Process Demo providing an overview of the system being tested and outlining future additions contemplated (see page just before same Utah 6 year Test Results summary section for future additions), which states:

**FUTURE ADDITIONS**

- i. SHARING INSURANCE INFORMATION ACROSS STATE LINES
- ii. INTERNET ACCESS BY MOTORIST FOR INTERACTION
- iii. SINGLE INSURANCE REPORTING POINT

g. Exhibit F, Insure-Rite brochure providing an overview of the method, and including newspaper articles discussing concerns over the accuracy of the method (see for example page 3 of Executive Summary containing the Deseret News, Friday,

April 20, 1999 Article entitled "Keep heat on uninsured drivers"), which states:

"Lawmakers are concerned about the accuracy of the database. Their fear is that innocent people will be targeted with a fine or warning letter. A state audit in 1997 showed that two separate categories of information compiled by Insure-Rite were, respectively 96 percent and 98 percent accurate. Those are solid numbers to build on."

These numbers were derived by statistical samplings, with the full verification audit not being completed until 1999-2000.

h. Exhibit G, Utah State Uninsured Motorist Database Press Clippings discussing delays and in process testing of Insure-Rite method, see for example January 29, 1996 article in the Deseret News entitled "Legislature should extend uninsured motorist plan", which states:

"Preliminary testing of the data base finally began last spring after 1 ½ years of delays brought on by insurance companies' refusal to cooperate and their filing of a law suit."

Also see February 26, 1996 Utah Press Association Clipping Service article in the Standard Examiner entitled "Uninsured driver bill", which states:

"The Utah Legislature has seen the wisdom of extending the base testing to July 1, 1998, despite protests from the insurance industry."

Also Saturday, April 24, 1999 article in the Deseret News entitled "Uninsured drivers' database wins favor," page five of Executive Summary, which states:

**"But is it accurate?"**

A big concern among lawmakers when the database was proposed was that it would be inaccurate, falsely accusing law-abiding citizens.

Nelson wants the database's accuracy examined by lawmakers between now and the next legislative session. He believes, based on residents he's talked to, that accuracy still may be a problem."

i. Exhibit H, Insure-Rite, Inc. Uninsured Motorist Identification Database series of slides outlining Applicant's method.

j. Exhibit I, Uninsured Motorist Identification Procedure Law Enforcement Guide, instructing law enforcement the basic procedures and operation on the use of Applicant's system. (See solicitation regarding modifications and suggestions to

make the system more effective), which states:

“If there are any modifications or suggestions you have to make this program more effective, please contact the Driver License Division.”

k. Exhibit J, Uninsured Motorist Quick Guide, outlining use of the Insure-Rite System (See solicitation regarding modifications and suggestions to make the system more effective), which states:

“THIS DATABASE WAS DESIGNED AS A TOOL FOR LAW ENFORCEMENT. ANY SUGGESTIONS YOU HAVE TO MAKE IT MORE USABLE ARE GREATLY APPRECIATED AND WILL BE CAREFULLY CONSIDERED)”

- l. Exhibit K, “Because it is the Law,” Insure-Rite handout explaining its insurance verification company.
19. The foregoing documents establish that in 1992, Insure-Rite, Inc. initiated a method of analyzing all the insurance records, state motor vehicle records, and state driver’s license records to verify the insurance status of driver’s in the State of Utah.
20. No other patent applications were filed concerning Insure-Rite, Inc.’s insurance verification method, and therefore the archival web site in the form cited by the Examiner is in error in this regard. It is also in error in referring to a system with “a margin of error as little as plus or minus 5% (web site page 2, second paragraph). The present method is more accurately described as one which provides an accuracy report in excess of 95% accuracy.
21. The archival website cited by the Examiner describes a system, which only compiled “a database drawn from all insurance companies providing personal or commercial automobile coverage within the state” (web site page 1, last paragraph). The inventive system employs all available accurate, inaccurate, repetitive, complete and incomplete information not only from insurance carriers, but also from the motorist licensing divisions, and vehicle registration divisions (Base Claim 12).
22. This archival web site cited by the Examiner includes the notation “patent pending” which was not, in fact, added to the web site until April 29, 2000, which can be verified by the Examiner by proper manipulation of the web site files.

23. Insure-Rite, Inc.'s web sites were never intended to solicit or advertise Applicant's method, but to provide information as to its system. Even today, Applicant's web site is an informational listing inasmuch as any sales solicitations of the motor vehicle verification method to interested states requires the submittal of RFP proposals in response to a state issuing a request for formal bid proposals. As such, these web sites do not function as sales activities.

24. In 2000, Applicant's approach was finally validated by a statewide audit conducted by the State of Utah which finally ended the experimental test period for the invention.

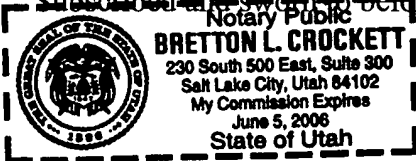
25. Where documents referred to herein contain no dates, affiant has made his best estimate of the date of such document based upon his recollection of events during the experimental period during which the system was being tested. Such dates have been inserted on the Information Disclosure Statement included as part of Applicant's current Communication.

Dated this 28 day of August, 2003.



Richard Kasteler

Subscribed and sworn to before me this 29 day of August, 2003.



Notary Public residing in Salt Lake County

My commission expires:

June 5, 2006